

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>ePLUS INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 3:09-CV-620 (REP)</b>
	)	
<b>v.</b>	)	
	)	
<b>LAWSON SOFTWARE, INC.,</b>	)	
	)	
	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF ePLUS, INC.'S MOTION AND SUPPORTING MEMORANDUM FOR  
LEAVE TO FILE AN OFFER OF PROOF  
REGARDING ITS DAMAGES CLAIM  
PURSUANT TO FEDERAL RULE OF EVIDENCE 103 AND 35 U.S.C. § 284**

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Plaintiff *ePlus*, Inc. (“*ePlus*”), respectfully requests that the Court grant leave for it to file the accompanying Offer of Proof Regarding *ePlus*’s Damages Claim Pursuant to Fed. R. Evid. 103 and 35 U.S.C. § 284.

Defendant Lawson Software, Inc. (“Lawson”) filed a Motion to Preclude *ePlus* from Presenting New Damages Theories (Dkt. Nos. 447 and 448) on August 20, 2010. *ePlus* opposed Defendant’s motion on August 27, 2010. (Dkt. No. 453). Defendant replied on August 31, 2010. (Dkt. No. 461). On September 9, 2010, the Court granted Defendant’s motion, thereby precluding *ePlus* from introducing evidence or testimony at trial regarding its claim for damages under 35 U.S.C. § 284. (Dkt. No. 472). Accordingly, pursuant to Fed. R. Evid. 103, *ePlus* seeks leave to:

1. File the Offer of Proof, submitted herewith under seal as Exhibit 1;
  2. File an index of the exhibits to the Offer of Proof, attached hereto as Exhibit 2;
- and
3. Lodge, with the Clerk of the U.S. District Court for the Eastern District of Virginia – Richmond Division, a DVD, submitted herewith under seal, that contains the exhibits referenced in the Offer of Proof and described in the Index.

*ePlus* further requests that the foregoing be made part of the record in the above-captioned matter.

*ePlus* files herewith a proposed Order granting this Motion.

Respectfully submitted,

January 12, 2010

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of January, 2011, I will electronically file the foregoing

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with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

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